

REMARKS/ARGUMENTS

In response to the Office Action dated April 22 2004, claims 1-5, 7-16, 18-27 and 29-36 are amended, and claims 6, 17 and 28 are cancelled. Claims 1-5, 7-16, 18-27 and 29-36 are now active in this application. No new matter has been added.

In view of the canceling of claims 6, 17 and 28, claim 7 is amended to depend from claim 3, claim 18 is amended to depend from claim 14 and claim 29 is amended to depend from claim 25. In addition, all dependent claims are amended to begin with "The" instead of "A", thereby providing better form.

The indication that claims 4, 5, 8, 9, 15, 16, 19, 20, 26, 27, 30 and 31 would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims is acknowledged and appreciated.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

I. Claims 1, 12, 23 and 34-36 are rejected under 35 U.S.C. § 102(e) as being anticipated by Yasuo (JP 11-258712).

II. Claims 2, 3, 6, 7, 10, 11, 13, 14, 17, 18, 21, 22, 24, 25, 28, 29, 32 and 33 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Yasuo in view of Yamaguchi et al. (USPN 5,963,334), of record.

III. In the Official Action, the Examiner relies upon Yamaguchi et al. as disclosing a telecentric optical system (see claims 6, 17 and 28). However, Yamaguchi et al. merely teaches

a light receiving lens. Yamaguchi et al. fails to teach or suggest that the lens is the telecentric optical system.

To expedite prosecution, claim 6 is cancelled and independent claim 1 is amended to delineate that "the color image taking apparatus has an optical system including a telecentric optical system", which is not disclosed or suggested in either Yasuo or Yamaguchi et al. Independent claims 12, 23 and 34-36 are similarly amended and claims 17 and 28 are cancelled. Thus, amended independent claims 1, 12, 23 and 34-36 are patentable over Yasuo and Yamaguchi et al., and their allowance is respectfully solicited.

Claims 2-5 and 7-11 depend from amended independent claim 1, claims 13-16 and 18-22 depend from amended independent claim 12, and claims 24-27 and 29-33 depend from amended independent claim 23. As amended independent claims 1, 12 and 23 are patentable over Yasuo and Yamaguchi et al., dependent claims 2-5, 7-11, 13-16, 18-22, 24-27 and 29-33 are patentable over Yasuo and Yamaguchi et al. also. Therefore, the allowance of dependent claims 1-5, 7-16, 18-27 and 29-36 is respectfully solicited also.

CONCLUSION

Accordingly, it is urged that the application, as now amended, is in condition for allowance, an indication of which is respectfully solicited. If there are any outstanding issues that might be resolved by an interview or an Examiner's amendment, Examiner is requested to call Applicants' attorney at the telephone number shown below.

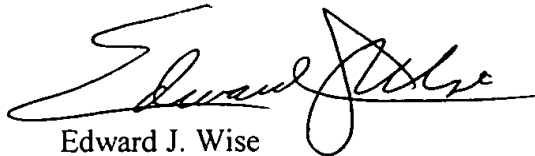
To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper,

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including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

McDERMOTT WILL & EMERY

A handwritten signature in black ink, appearing to read "Edward J. Wise", written over a horizontal line.

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